

### **REMARKS**

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of April 8, 2004 (hereinafter "Office Action"). Applicants especially appreciate the indication that Claims 19 - 21 and 23 recite patentable subject matter. In response, Applicants have amended dependent Claims 19, 20, and 23 to place these claims in condition for allowance by writing them in independent form. Dependent Claim 21 is patentable as depending from patentable independent Claim 20. The sole remaining issue, therefore, is the patentability of Claims 17, 18, and 22. Applicants have amended independent Claim 17 to clarify that the first and second material layers do not overlap, which is not disclosed or suggested by the cited reference. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

#### **Independent Claim 17 is Patentable**

Independent Claim 17 stands rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 4,897,703 to Spratt et al. (hereinafter "Spratt").

Independent Claim 17 is directed to an integrated circuit device that comprises a composite insulation layer. In particular, the composite insulation layer is described as follows:

...  
a composite insulation layer that comprises a first material layer and a second material layer disposed on the sidewalls such that the first material layer is disposed in an upper sidewall region and the second material layer is disposed in a lower sidewall region between the first material layer and the substrate such that the first and the second material layers do not overlap, the first material layer being thicker than the second material layer. (Emphasis added).

Independent Claim 17 has been amended to clarify that the first and second material layers do not overlap. This aspect of the present invention is illustrated, for example, in FIG. 14A where layers 71a and 69a' are shown not to overlap. In sharp contrast with the recitations of

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Claim 17 as amended, layer 19 overlaps layer 18 along what appears to be the entire sidewall of the emitter 22 and the TEOS layer 15 as shown in FIG. 9 of Spratt.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claim 17 is patentable over the cited reference and that Claims 18 and 22 are patentable at least per the patentability of independent Claim 17.

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### CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to our Deposit Account No. 50-0220.

Respectfully submitted,

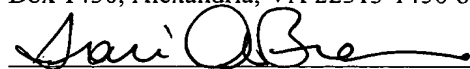


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on June 30, 2004.



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